

M15. Objections to marriage

Summary of learning points

When you have read this chapter you will have learnt the following

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1. Under what circumstances a marriage may be prevented from taking	1
2. When and how a person may forbid the issue of the superintendent registrar's certificate , including (i) When a person whose consent is required by law may withdraw that consent	2 - 8 8
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Objections to marriage

General

1. A marriage may be prevented from taking place by:
 - a. a person whose consent is required forbidding the issue of the superintendent registrar's certificate;
 - b. a person entering a caveat; or
 - c. the superintendent registrar not being satisfied that there is no lawful impediment to the marriage.

Forbidding the issue of the superintendent registrar's certificate

2. Any person whose consent is required by law to the marriage of a person who is under 18 years of age may forbid the issue of the superintendent registrar's certificate at any time after the entry of a notice of marriage and before the issue of the certificate. This is done by attending the register office of the district where notice was given and giving written notice of the forbidden to the superintendent registrar.
3. This written notice must specify the name and address of the person giving the notice and the capacity in which he forbids the issue of the superintendent registrar's certificate (i.e. whether 'Father', 'Mother' or 'Guardian' of either of the parties). On receiving the written notice, the superintendent registrar must search on RON by selecting the Marriage > Notice > View notice menu option to see if a notice of marriage has been given by the person to whom the written notice applies.
4. If the superintendent registrar finds that notice of marriage has not been given, he should explain this to the person who is forbidding the issue of the superintendent registrar's certificate and advise that this cannot be done until the notice of marriage is given.
5. If the superintendent registrar finds that notice of marriage has been given, he must record **<Redacted>** that the issue of his certificate has been forbidden.
<Redacted>
6. The superintendent registrar must notify the GRO hub: **<Redacted>** in all instances when the issue of the superintendent registrar's certificate has been forbidden. Where the marriage was to take place in a different district they should also notify the superintendent registrar that the issue of the superintendent registrar's certificate has been forbidden.
7. The superintendent registrar should advise the person to whom the forbidden notice relates of the circumstances and that the marriage cannot proceed.

8. A person whose consent is required by law to the marriage of a person who is under 18, may withdraw that consent at any time before the marriage. The marriage should not be allowed to proceed even though the superintendent registrar's certificates may already have been issued. Where the marriage has been arranged for a venue outside the district, the superintendent registrar who receives the withdrawal of consent must advise the superintendent registrar of the other district(s) concerned of the circumstances.

Where the minor is also the subject of a referral under Home Office Immigration (HOI) scheme, GRO will advise the Home Office that the issue of the superintendent registrar's certificate has been forbidden and they will stop their investigations. .

Caveat against the issue of the superintendent registrar's certificate

9. Any person may enter a caveat with the superintendent registrar against the issue of his certificate for the marriage of any person named in the caveat.

10. The caveat must be signed by or on behalf of the person entering it and must state his or her place of residence and the ground of objection on which the caveat is founded. A form for this purpose (Form 80) is supplied by the Registrar General to superintendent registrars but it is not prescribed and need not be used.

11. The right of entering a caveat against the issue of the superintendent registrar's certificate is not confined to cases in which notice has already been given, but extends also to cases in which it is believed that the intentions to give notice exists.

12. A caveat may only be linked to a marriage notice if it is entered in the same registration district where the notice is given. On receiving the written notice or the Form 80, the superintendent registrar should search <Redacted>. The action the superintendent registrar takes depends on whether the notice has been given or not.

Notice of marriage given, superintendent registrar's certificate not issued

13. Where <Redacted> finds that a notice of marriage has been given it should be viewed to see in which registration district the notice was given. If it was given in the same district as where the caveat is now being entered, the superintendent registrar should enter the caveat <Redacted>. The superintendent registrar must enter the details of the party(ies), the name and address of the objector and the ground of objection in the appropriate fields on RON. The caveat can then be linked to the notice.

14. Where <Redacted> finds that a notice of marriage has been given in a different registration district, the superintendent registrar should not enter the caveat on RON as it will not link to the notice. Instead, the superintendent registrar should inform the objector in which registration district the notice was given and advise him to contact the superintendent registrar of the other district as a matter of urgency and go and enter the caveat in that district as soon as possible.

15. When a caveat is linked to a notice, <Redacted> will send a notification to the to-do list of the district which took the notice and entered the caveat, which will act as a

reminder that the caveat needs to be acted upon. The status of the caveat can be updated **<Redacted>** to show that it is 'under investigation' by clicking the 'process' option on the to-do list. The item will remain in the to-do list until the caveat is resolved and the status is changed to 'upheld', 'not founded' or 'withdrawn'. The superintendent registrar's certificate can only be issued if the status is set to 'withdrawn' or 'not founded'.

16. When the caveat has been entered **<Redacted>** and linked to the notice, the Registrar General (Marriages and Civil Partnerships) should be notified. When a caveat is entered the superintendent registrar must send a copy of the caveat to the party who has given notice of the marriage. He must ask whether the ground of objection alleged in the caveat is admitted or denied, and whether any reason can be stated why, in spite of the caveat, the superintendent registrar's certificate for marriage should be issued. If the validity of the objection is denied, the superintendent registrar must send a copy of the denial to the person who entered the caveat, asking for substantiation to the objection. The superintendent registrar must keep copies of the correspondence, or, if the investigation is conducted otherwise than by letter, must keep a written record of it, and ensure that all statements are made in writing and signed by the person concerned.

17. Copies of all caveats and the relative documents should be sent to the Registrar General, together with the superintendent registrar's recommendation in the matter. Where the marriage has been arranged for a venue outside the district of residence the superintendent registrar who receives the caveat must advise the superintendent registrar of the other district(s) concerned of the circumstances and any subsequent developments. Where the couple have been referred to HOI then the GRO hub **<Redacted>** will inform HOI that a caveat has been entered and they will continue with their investigations until the outcome is known. The GRO hub will update HOI when a decision has been made to either uphold the caveat or to issue the superintendent registrar's certificate.

18. Where the superintendent registrar has investigated the matter of the caveat and he is satisfied that it ought not to obstruct the issue of the certificate, or the caveat is withdrawn by the person who entered it, the superintendent registrar should update the status of the caveat **<Redacted>** accordingly by clicking the 'process' option on the to-do list. Once this has been done, the item will be removed from the to-do list and the superintendent registrar's certificate can be issued.

19. Where the superintendent registrar refuses to issue his certificate for marriage, he should update the status of the caveat **<Redacted>** to 'upheld' **<Redacted>**. The caveat will be removed from the 'Caveat' section of the to-do list and will appear in the 'Formal refusal to issue' section. The superintendent registrar can then set the 'Refusal to issue' indicator by clicking on the 'process' option on the to-do list. The person applying for the superintendent registrar's certificate has a final right to appeal to the Registrar General, who will either confirm the refusal or direct the issue of the superintendent registrar's certificate. If the Registrar General directs that the superintendent registrar's certificate shall be issued, the superintendent registrar must remove the 'Refusal to issue' indicator **<Redacted>** to allow for it to be issued.

Notice of marriage not given

20. If notice of marriage has not been given, the superintendent registrar must enter the caveat **<Redacted>**. The superintendent registrar must enter the details of the party(ies), the name and address of the objector and the ground of objection in the appropriate fields **<Redacted>**. The superintendent registrar should explain to the person entering the caveat that notice has not yet been given and advise that if a notice is entered at any time in the future, it will be linked to the caveat and the matter will be investigated.

21. If a notice is subsequently given in a different registration district to where the caveat was entered, <Redacted> will display the following message:

'A caveat matching the details of this notice has been entered in [registration district]. In order to investigate this caveat and prevent the issue of the certificate the caveat must be re-entered in your district. Please contact the district where entered for further information.'

22. Any person entering a caveat on grounds which the Registrar General declares to be frivolous will be liable for the costs of the proceedings and for damages to be recovered in a special action upon the case by the party against whose marriage the caveat was entered. A copy of the Registrar General's declaration, sealed with the seal of the General Register Office, will be evidence that he declared the caveat to have been entered on frivolous grounds.

Objection received after superintendent registrar's certificate issued

23. A caveat cannot be entered after the superintendent registrar's certificate has been issued and in these circumstances any allegation of a lawful impediment should be investigated by the superintendent registrar of the district where the marriage is to take place. The marriage should not take place until the superintendent registrar is satisfied that there is not lawful impediment.

24. If an allegation of a lawful impediment is made to a superintendent registrar other than the superintendent registrar of the registration district where the marriage is due to take place, that superintendent registrar should enter the details of the objection <Redacted>. <Redacted> will then send a notification to the to-do list of the district of marriage so that the objection can be investigated. If the marriage is imminent, the superintendent registrar who entered the objection <Redacted> should also advise the superintendent registrar of the district of marriage of the existence of the objection by telephone.

Where the couple have been referred to HOI then superintendent registrar should also notify the GRO hub <Redacted> as the Registrar General will also inform HOI of the objection and the outcome any subsequent investigations.

M15 Evaluation of Learning

When you have finished reading this Chapter you may wish to evaluate what you have learnt by answering the following questions. The answers to these questions are at the end of the Handbook.

- Q1.** A notice of marriage has been given by a 17 year old girl who had obtained the relevant consent of her mother and produced Form 55. A week later the mother of the bride attends the register office to say that she has changed her mind and does not want her daughter to marry. Explain what action should be taken.
- Q2.** On the day of the marriage, the parents of a 17 year old groom state that they no longer wish their son to marry and that they now wish to withdraw their consent. The superintendent registrar's certificate has been issued and given to the groom to produce to the registrar in the neighbouring district. Explain what action should be taken.
- Q3.** A gentleman contacts the register office to state that he believes his elderly, senile father intends to marry his carer who is 40 years his junior. He claims that she has put the idea of marriage to him and only wishes to marry him for his money. On checking **<Redacted>** it appears that notice has not yet been given. What advice should be given to the gentleman?
- Q4.** Following a notice of marriage given by a gentleman three months ago for a marriage taking place tomorrow, a lady contacts the register office to advise that he is not free to marry as she is still married to him. The certificate of marriage has been issued. Explain if a caveat can be entered and what action should be taken.